

Fiscal Note

Fiscal Services Division



HF 758 – Injury or Death of Spouse, Damages (LSB 1737HV)
Analyst: Jennifer Acton (Phone: 515-281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version – New
Requested by Senator Ron Wieck

Description

House File 758 relates to damages for the wrongful or negligent injury or death of a person by adding another type of damages for recovery in a wrongful death case.

Assumptions

- The monetary award for loss of enjoyment of life is separate from the economic productive value. Pecuniary (punitive) damages could be awarded as well.
- The number of wrongful death cases heard by the Judicial Branch is minimal. The cases come before the Court as a tort claim and are normally heard by a jury trial.
- The Attorney General's Office, Tort Claim Division would represent a State employee who causes the death of another.
- Any damage awards would be paid through the State Appeal Board which is a standing unlimited appropriation.
- From FY 2008 to February 11, 2010, there have been 48 wrongful death tort claims filed against the State. The number that were settled, dismissed, or denied is unknown.

Fiscal Impact

This Bill will not add additional cases to the Courts' workload; however, it may make wrongful death cases somewhat more contentious as parties argue about the value of a decedent's "loss of enjoyment of life."

The State would have a fiscal impact due to liability if a State employee was the person that caused the death of another. This Bill broadens the definition of recoverable damages and could result in a higher damage award. If the State is the losing party, up to \$2.5 million in additional cost could be paid through the State Appeal Board for one case.

Sources

Judicial Branch
Attorney General's Office

/s/ Holly M. Lyons

February 16, 2010

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
